

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

ANDRE HERRING-DANCY,)
Individually and On Behalf of All Others,)
Plaintiff,)
v.) Case No.
TERMINAL CLEANING SERVICES LLC,)
Defendant.)

NOTICE OF REMOVAL

Defendant, Terminal Cleaning Services LLC (“Terminal Cleaning”), hereby files its Notice of Removal of the above-captioned case to this Court and, in support of removal, respectfully states as follows:

1. Terminal Cleaning is named as Defendant in Case No. 21CN-CC00065, filed in the Circuit Court of Clinton County, Missouri, titled *Andre Herring-Dancy v. Terminal Cleaning Services LLC* (“State Court Action”).
2. The Petition in the State Court Action was filed with the Clerk of the Circuit Court of Clinton County, Missouri on or about October 26, 2021.
3. In the State Court Action, Plaintiff asserts that Terminal Cleaning violated Plaintiff’s alleged rights, as well as the rights of others, under the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (“FCRA”).
4. Any civil action is removable if the plaintiff could have originally brought the litigation in federal court. *See* 28 U.S.C. § 1441(a).

5. This Court has original jurisdiction over the subject action pursuant to 28 U.S.C. § 1331 because Plaintiff has made allegations and expressly asserted claims in the Petition that Terminal Cleaning violated the FRCA. (*See, e.g.*, Pl.'s Pet. ¶¶ 8-9, 40, and 57-58.)

6. Pursuant to 28 U.S.C. § 1441, this action may be removed from the Circuit Court of Clinton County, Missouri to the United States District Court for the Western District of Missouri.

7. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders in the State Court Action are attached hereto as **Exhibit 1**.

8. Terminal Cleaning first received notice regarding the State Court Action on April 5, 2022, and thereafter accepted service of process on April 20, 2022. Removal is therefore timely pursuant to 28 U.S.C. § 1446(b).

9. By this Notice of Removal, Terminal Cleaning does not waive any defenses, jurisdictional or otherwise, which it may have or assert against Plaintiff or the alleged claims. Terminal Cleaning likewise does not concede that Plaintiff has stated a claim against it under the FRCA.

10. Terminal Cleaning does not demand a jury trial at this time.

11. Kansas City, Missouri is hereby designated as the place of trial for this matter.

WHEREFORE, Defendant, Terminal Cleaning Services LLC, hereby removes this action from the Circuit Court of Clinton County, Missouri, to the United States District Court for the Western District of Missouri.

DATED this 4th day of May 2022.

Respectfully submitted,

SPENCER FANE LLP

/s/ Melissa Hoag Sherman

Melissa Hoag Sherman, MO #53524
msherman@spencerfane.com
1000 Walnut Street, Suite 1400
Kansas City, MO 64106
T 816.474.8100
F 816.474.3216

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that the above and forgoing Notice of Removal was filed with the Court using its electronic filing system, which will automatically serve a true and accurate copy of the document on all counsel of record. Additionally, it was also emailed to Plaintiff's counsel at brown@brownandwatkins.com and watkins@brownandwatkins.com.

/s/ Melissa Hoag Sherman

Melissa Hoag Sherman